

FILED

SEP 14 2016

**Clerk, U.S. District Court
District Of Montana
Great Falls**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-13-56-GF-BMM-01

Plaintiff,

vs.

NELSON TRAVIS ALEXANDER,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter August 29, 2016. (Doc. 72.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 23, 2016. (Doc. 71.) Alexander admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of Alexander's supervised

release. Judge Johnston has recommended that the Court revoke Alexander's supervised release and commit Alexander to the custody of the Bureau of Prisons for eight months and given credit for time served (Doc. 72 at 7.) Judge Johnston further has recommended that Alexander's term of custody be followed by 22 months of supervised release. Following his release from custody, Mr. Alexander shall be placed into the Montana Chemical Dependency Center in Butte for treatment.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Alexander's violations of his conditions represent a serious breach of the Court's trust. A sentence of eight months custody followed by 22 months of supervised release and placement in the Montana Chemical Dependency Center in Butte, with supervised release and treatment at the Center to run concurrently, represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 72) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Nelson Travis Alexander be sentenced to eight months custody followed by 22 months of supervised release and placement in the Montana Chemical Dependency Center, with supervised release and treatment at the Center to run concurrently. The conditions previously imposed shall be continued.

DATED this 13th day of September, 2016.

A handwritten signature in black ink, appearing to read "Brian Morris".

Brian Morris
United States District Court Judge